

Office Action Summary	Application No. 10/711,317	Applicant(s) MASSOUDI ET AL.	
	Examiner BAOQUOC N. TO	Art Unit 2162	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13-19 is/are allowed.
- 6) ☒ Claim(s) 20-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. <u>04/11/2008</u> . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

1. Claims 13, 20 and 31 are amended in the amendment filed on 01/04/2008.

Claims 13-37 are pending in this application.

Response to Arguments

2. Applicant's arguments with respect to claims 13-37 have been considered but are moot in view of the new ground(s) of rejection.

Specification

3. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: a computer program product.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 20-37 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 20 recites "determining whether all of the one or more data containers in the first data structure description are singular data containers, wherein for each leaf data element, a key is generated containing a concatenation of all names of the data containers in a hierarchical path to the leaf data element, each data container name separately by a character that is not allowed as part of the data container name, concatenated with a name of the leaf data element, and storing the key in lookup table

of a single in-memory data component; or determining whether one or more data container in the first data structure description is a plural data container, wherein upon identifying a plural data container, a component list is instantiated in a lookup table having a key that is generated containing a concatenation of names of all the data containers traversed either from a root node or from a previously plural data container to a hierarchical path to the identified plural data container, the component list comprising a plurality of data components" which does not provide any concrete and tangible result.

Claim 31 recites "a computer program product..." which is a program per se or software per se. Software per se is not a series of steps or acts and thus is not a process. Software per se is not a physical article or object and as such is not a machine or manufacture. Software per se is not a combination of substances and therefore is not a composition of matter.

Allowable Subject Matter

5. Claims 13-19 are allowed and claims 20-37 are allowed when the applicant overcome the 101 rejection.

The following is an examiner's statement of reasons for allowance:

As to claim 13, the examiner agrees with the argument on page 10-12 filed on 01/04/2008 that Vedula and Sindhu in combination does not teach generating a unique key to dynamically store and locate the actual data for each of the leaf data element.

Claims 14-19 are depended on claim 13; therefore, claim 14-19 are allowed under the same reason as to claim 13.

As to claim 31, the examiner agrees with the applicant's argument in page 12-13 filed on 01/04/2008 that the combination of Vedula/Sindhu does not teach or suggest "set data values of any leaf data element of the first data structure description in a first in-memory data component, the first in-memory data component being dynamically generated using a key generated from a key-based look-up molding technique, wherein the key is store in a lookup table associated with the first in-memory data component, and get the data values of any leaf data element of the first data structure from the first in-memory data component using the key generated from the key-based look-up molding technique.

Claims 32-37 are depended on claim 31; therefore claim 32-37 are allowed under the same reason as to claim 31.

As to claim 20, the examiner also agrees with the applicant argument on page 13, filed on 01/04/2008 that Vedula does not teach a key is generated containing a concatenation of all names of the data containers in a hierarchical path to the leaf data element." Sindhu does not teach generating keys (rather, in Sindhu, the keys are already hardcoded).

Claims 21-30 are depended on claim 20; therefore, claim 21-30 are allowed under the same reason as to claim 20.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lahiri (Pub. No. US 2004/0183838 A1) Patent No. 09/23/2004.

Dahne_Steuber et al. (Pub. No. US 2005/00500526 A1) Patent No. 03/03/2005.

Contact Information

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Baoquoc N. To whose telephone number is at 571-272-4041, or unofficial fax number for the purpose of discussion (571) 273-4041 or via e-mail BaoquocN.To@uspto.gov. The examiner can normally be reached on Monday-Friday: 8:00 AM – 4:30 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached at 571-272-4107.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231.

The fax numbers for the organization where this application or proceeding is assigned are as follow:

(571) 273-8300 [Official Communication]

/Baoquoc N To/

Primary Examiner, Art Unit 2162

08/11/2008

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